# CONSTITUTION OF THE Koliganek VILLAGE

Preamble.

We, the people of the Native Village of Koliganek, do hereby adopt this constitution in order to promote the common good and well-being of the Village; to preserve the Alaska Native culture and values; to protect our sovereign and inherent rights; to promote social, economic, and political progress of the Alaskan Natives; to protect our land and natural resources; to protect the individual rights of our members.

Article 1. Territory and Jurisdiction.

Section 1. Territory. The territory of the Native Village of Koliganek shall extend over all such Indian Country as exists.

Section 2. Jurisdiction. The jurisdiction of the Native Village of Koliganek extends over the Nation and its territory, persons who enter its territory, its members, and persons who interact with the Nation or its members. Nothing in this article shall be construed to limit the ability of the Tribe to exercise its jurisdiction, based upon its inherent sovereignty as a Tribe.

Article 2. Membership.

Section 1. Base Membership. Every Native individual whose name appears on the membership roll will be a member.

Section 2. New Members.

(a) All children and the adopted children of any member shall be enrolled as a member of our village.

(b) Any Alaska Native defined by ANCSA who becomes a resident of Koliganek Bay and is a descendant of an Alaska Native by a majority vote of the Village Council.

Section 3. Voluntary Disenrollment. Any member may willingly set aside their membership.

Section 4. Involuntary Disenrollment. Any member shall lose their membership if

(a) They leave the Village with no intention of returning.

(b) They commit a crime against the Council or a fellow member.

Section 5. Regulation of Membership. The Village shall establish an enrollment committee to develop the Village Roll including processing of applications and may establish roles and procedures governing enrollment, including application and appeals procedures.

Article 3. Tribal Council.

Section 1. Name. The Governing body of the Native Village of Koliganek shall be Koliganek Tribal Council ("Council").

Section 2. Composition. The Council shall consist of seven Village members who shall be elected through a vote by all eligible Village members at the annual membership meeting. The Council members shall take office immediately upon election.

Section 3. Eligibility for Officials. To be eligible for election to any office in the Council, a member must be a minimum of 18 years of age, a citizen of good standing, have not been convicted of a felony under federal, state, or tribal law within the past seven years, and live in the Village or the surrounding area for at least six months.

Section 4. Officers. The Council shall include a President, Vice President, Secretary, Treasure and three Members. The Council elected by the general membership shall, immediately following the annual meeting, elect its own officers.

(a) President. The President shall preside at all meetings of the Village and the Council. They shall execute on behalf of the Village all contracts, leases, or other formal documents approved by the Council. They shall have the general supervision of all other officials, employees, and committees of the Village and see that their duties are properly performed. When the Council is not in session, they shall be the official representatives of the Village.

(b) Vice-President. The Vice-President shall assist the President when called upon to do so. In the absence of the President, they will preside; with all the rights, duties, and privileges and responsibilities of the President.

(c) Secretary. The duties of the Secretary shall be to oversee the recording of the minutes.

(d) Treasure. The duties of the Treasure shall be to oversee the care of the Council Books.

(e) Three Members. The Council Members will hold voting positions at all Council meetings.

Section 5. Term of Office. Members shall service three-year terms.

Section 6. Vacancies. Any vacancies on the Council shall be temporarily filled by appointment through the Council. The position will be held for reelection at the next annual membership meeting.

Section 7. Powers. Any rights and powers vested in the Native Village of Koliganek but not expressly referred to in this Constitution shall not be lost by reason of their omission, but may be exercised by the Council through the adoption of appropriate amendments to this Constitution.

Section 8. Regular and Special Meetings. Regular meetings of the Council shall be held monthly, except during fishing season, the time and place to be designated by the Council. Special meetings of the Council may be called by the President. The President shall call a special meeting if requested by at least members of the Council.

Section 9. Quorum. A quorum of the Council shall consist of three members of the Council. No business shall be transacted unless a quorum is present.

Section 10. Conflict of Interest. No Council member may vote on any matter pertaining specifically to themselves or an immediate family member or on any matter in which they or an immediate family member has a significant financial interest. Nothing bars a Council member from voting on a matter in which the benefit to themselves is common to that of the Village members at large. Further, nothing bars a Council member or a member of their family from employment by the Village. Immediate family members are defined as father, mother, brother, sister, wife, husband, son, daughter, or anyone else in the Council member's household.

Section 11. Open Meetings. All minutes of the Council shall be open to the general membership, provided that the Council may recess at its discretion to discuss any matter in a closed or executive session.

Section 12. Decisions. Final decisions of the Council on matters of permanent interest, such as the passage of Village laws and regulations shall be by ordinance. Final decisions of the Council on matters of temporary interest may be by resolution.

Section 13. Parliamentary Procedure. All meetings shall be conducted in accordance with rules adopted by the Council.

Article 4. Elections, Initiatives, and Referendum.

Section 1. Voter Qualification. Any member of the Native Village of Koliganek who has reached the age of 18 shall be eligible to vote during any of the organization's membership meetings.

Section 2. Elections. The regular election of the Council members and of questions requiring member approval shall be held at the annual membership meeting. Special membership meetings may be called at other times by the Council, provided that no meeting shall be call during fishing season.

Post signs.

Section 3. Notice. The Council shall publicize all Village meetings in a manner reasonably designed to give all members notice at least fifteen days before the meeting.

Section 4. Secret Ballot. All elections of Council members shall be by secret ballot. All other votes may be held by secret ballot, within the discretion of the Council, if requested by an eligible voter.

Section 5. Quorum. A quorum of eligible voters consists of twenty-five percent of all eligible voters.

Section 6. Initiatives and Referendum. The eligible voters shall have the right to propose legislation or other Village action. Upon receipt of a petition signed by at least thirty-three percent of the eligible voters, the Council shall call a meeting to be conducted within thirty days. A vote will be called, notice sent to the membership, and shall be by secret ballot of a quorum of eligible voters.

Section 7. Voter Decisions Binding. The decision of the majority of a quorum shall be binding on the Council and the Village until amended or rescinded by a vote of the membership or by its own terms.

Article 5. Removal from Office.

Section 1. Misconduct or Neglect. Any Council member found by the Council of behavior involving gross misconduct in office or neglect of duty may be removed from office by a vote, quorum consisting of at least three members of the Council. Any member of the Council shall automatically be removed from office if they miss three consecutive meetings without providing the Council with a valid excuse prior to the meeting. Voting must be by secret ballot and the respondent is

entitled to vote. Before any vote for removal is taken, the respondent must be afforded due process by allowing them to answer the charges.

Section 2. Recall. Members of the Village shall have the power to remove any Council member from the Council by recall. The process shall be initiated through a petition to the Council asking for such a removal. The petition must be signed by at least twenty-five percent of the eligible voters and must set forth the reasons for the petition. Within thirty days from the receipt of the petition, the Council must, with a quorum, vote on removal.

Section 3. Forfeiture. Any Council Member who is convicted of a felony, while in office, under federal, state, or tribal law automatically forfeits their office. Any Council member who disenrolls their membership in the Native Village of Koliganek automatically forfeits their office. Any Council Member who moves from the Village or Bristol Bay area with no intention of returning automatically forfeits their office.

## Article 6. Rights of Members.

Section 1. Indian Civil Rights Act. In exercising its power of self-government the Village shall comply with the provisions of the Indian Civil Rights Act, 25 U.S.C. § 1302 and not infringe upon the following individual liberties guaranteed herein:

(a) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(b) Violate the right of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) Subject any person for the same offense to be twice put in jeopardy;

(d) Compel any person in any criminal case to be a witness against himself;

(e) Take any private property for a public use without just compensation;

(f) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for

obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(g) Require excessive bail, impose excessive fines, inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of six months or a fine of $500, or both;

(h) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(i) Pass any bill of attainder or ex post facto law; or

(j) Deny to any person accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than six persons.

Section 3. Rights to Inspect Records. Tribal Members of the Village shall have the right to review records of the Village government, excluding confidential records, at any reasonable time in accordance with procedures established by the Council.

Section 4. Rights of Members. All persons accepted as members, except honorary members, shall have the same right to equal protection as all other tribal members in accordance with this constitution, provided that the Tribal Council may give preference to residents of the territory of the Tribe for available land, housing, benefits and services.

Article 7. Tribal Membership Meetings.

Section 1. Meetings. Regular meetings of the tribal membership of the Native Village of Koliganek shall be held at least annually; the time and place to be determined by the Council. Special meetings of the membership may be called by the President; shall be called upon a majority vote of a quorum of the Council, shall be called upon a petition signed by at least twenty-five percent of the eligible voters.

Section 2. Notice. The Council shall publicize all meetings of the tribal membership at least fifteen days in advance. No tribal membership meeting may be called during fishing season.

Section 3. Quorum of Membership. A quorum of the tribal membership at special meetings shall consist of thirty-three percent of the eligible voters and no business shall be conducted unless a quorum is present. There shall be no minimum quorum for regularly scheduled meetings.

Article 8. Tribal Courts.

Section 1. The judicial power of the Native Village of KOLIGANEK is vested in the Council. The Council may delegate its judicial power in particular case or may by ordinance establish a permanent tribal court, or courts, or limited or general jurisdiction.

Article 9. Miscellaneous Provisions.

Section 1. Severability. If any provision of this Constitution should be declared invalid, that section shall be severed and the remaining provisions shall continue in effect.

Section 2. Savings Clause. To the extent consistent with this Constitution, all previous ordinances and resolutions adopted by the Council and all customary Village law shall remain in effect following the adoption of this Constitution. In the event of future constitutional revisions, all previous ordinances, resolutions and customary Village laws shall remain in effect to the extent that they are consistent with the new Constitution or amendments.

Section 3. Amendments. This Constitution may be amended by a majority vote of a quorum of eligible voters.

Article 10. Adoption of this Constitution.

Section 1. Effective Date. This Constitution shall be effective immediately upon adoption by a majority of a quorum of the Village Council.

CERTIFICATION OF ADOPTION

We, the undersigned members of the Native Village of Koliganek certify that we constitute a quorum of the Traditional Council, that we were present at an election on February 1, 2001, that this Constitution was duly adopted by a vote of 4 for and 0 against.

Dated this 1ST day of February, 2001.

Vernon Nelson Sr.
President

Vice-President

Secretary

Treasure

Member

Member

Member